

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt)

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22 MAY '23 AM 10:38

In re:

WILLIAM CHARLES BEVAN

Debtor

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Case No. 22-12609
(Chapter 13)

REQUEST FOR COURT INSTRUCTIONS

ADAM ROSS LEVIN (the “Agent in Fact” and “Real Estate Agent”) and referred to as the special person appointed under the irrevocable and final Confirmation Order [docket 80] and realtor for the Rockville property [docket 33] and realtor for the Laurel property [docket 76], hereby files this Line to request court instruction.

Pursuant to Paragraph 2 of the Confirmation Order, the “property of the estate shall not vest in the Debtor(s) until the Debtor(s) is/are granted a discharge or this case is dismissed or otherwise terminated following funding of the transactions contemplated in paragraph 9.” Furthermore, the Confirmation Order states that “Adam Ross Levin is appointed as agent in fact and attorney in fact for the Debtor.” I received a copy of the confirmation and I understand it to be binding on everybody including the Debtor with finality.

In the role as agent in fact, I, among other things, took all reasonable and authorized actions to restore the Rockville Property and the Laurel Property to saleable condition including hiring contractors, removal of and disposal of personal property including vehicles, and signing the contracts of sale. I also transferred funds from the Debtors retirement account to fund the Plan. I have kept the Debtor informed of all actions both in advance and after the fact I took regarding the renovation of the Rockville Property, the withdrawal and use of his retirement funds, and the marketing of each property. Each property now has a ratified contract, subject to approval from this Court, and Motions to Approve Sale are now pending. Rockville property [Docket 173] and Laurel property [Docket 169].

In Paragraph 2 of the Confirmation Order, I may take actions to prepare the properties for sale, the Order requires that I receive prior approval from debtor's attorney to make disbursements. Per the prior orders, I am holding monies in an escrow account for the benefit of the Estate and the Debtor. Notwithstanding the substantial efforts taken to consummate the sales of the Rockville and Laurel properties, Debtor's attorney, John Burns, recently withdrew from this case, leaving me without authority or a mechanism for taking additional actions necessary to finalize the repair and renovation of the properties, i.e., paying contractors for services at the properties. As counsel is no longer representing the Debtor, and there are outstanding services and related payments to be made, it is unclear if and how I can make further disbursements. There are utilities bills due and the Debtors June 1, 2023, mortgage payment. Furthermore, the contractors have told me they will sue me personally if they are not paid.

To further complicate the matter, Dr. Bevan waffles between stating that I am fired and asking me to continue to take actions on his behalf. For example, Debtor's counsel included a handwritten note from Dr. Bevan stating that I am terminated for cause. [Docket 187-1]. However, after the May 16th hearing, I have spoken to Dr. Bevan, and he indicated that he wants me to stay on and help, including giving him access to the properties and disbursing monies. I wish to continue to help the Debtor and have the properties go to settlement before June 30, 2023, or as further extended. I have also obtained contract extensions should they be needed.

At this time, it is not clear to me at this time whether I may take instructions from Dr. Bevan regarding disbursements or use of escrowed funds, or whether I can even tender keys to Dr. Bevan, which would frustrate the sale of the properties. In essence, the property belongs to the Estate, and I am charged with preparing the properties for sale; yet, the Debtor appears to now have different goals.

As such, I am seeking instruction from the Court as to my role and authority under the existing orders, the withdrawal of counsel for the Debtor, and Dr. Bevan's conflicting

statements regarding the use of estate property. I am also asking that if a Chapter 7 Trustee is appointed that he or she would pick up these contracts and close them so that we do not lose the momentum and value I have created for Dr. Bevan and the bankruptcy estate. I am also asking that the Court enters a "hold harmless" order to allow me to remain in this case as realtor and agent in fact until a decision is made by the Chapter 7 Trustee so that I do not have to withdraw from this case given the actions of Dr. Bevan. There is a hearing on June 13, 2023, on the Chapter 13 Trustees motion to convert given the debtor's repudiation of his own plan. Thank you for hearing my concerns and my petition to this court.



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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May 2023, a copy of the foregoing Request for Court Instruction was served via first-class mail, postage prepaid.

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